IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4678 of 2005

Between:

Mega City Friends Recreation Club, H.No.1-2-605/A, Part of 7 to 16, Lower Tank Bund Road, Hydrabad, rep. by its President-B, Manohara Reddy, S/o. Mutyam Reddy, R/o. 1-2-605/A/1, Lower Tank Bund Road, Hyderabad.

..... PETITIONER

AND

1.The Commissioner of Police, Basheerbagh, Hyderabad.
2.The Deputy Commissioner of Police, Central Zone, Hyderabad.
3.The Asst. Commissioner of Police, Chikkadapalli, Hyderabad.
4.The Station House Officer, Gandhinagar P.S., Hyderabad.
5.The Dy. Commissioner of Police, Task Force, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus directing the respondent to allow the lawful activities of the petitioner's Association and its members while playing chess, caroms, playing cards with 13 cards rummy/stakes (skill game) Gym, etc., including the card room, by appointing an advocate commissioner to inspect the premises of the petitioner bearing H.No.1-2-605/A Part of 7 to 16, Lower Tank Bund Road, Hyderabad to check and verify the activities of the Petitioner to submit reports of the activities of the Petitioners club to this Hon'ble Court.

Counsel for the Petitioner: MR.P.PANKAJ REDDY

Counsel for the Respondents: G.P. FOR HOME

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.4678 OF 2005

ORAL ORDER:

Heard both sides.

2. The petitioner seeks a direction to the respondents to allow the lawful activities of the petitioner-club (for brevity "the petitioner") and its members while playing Chess, Caroms, Playing Cards with 13 card rummy/stakes (skill game) and Gym etc., including the Card Room by appointing an Advocate-Commissioner to inspect the premises of the petitioner bearing H.No.1-2-605/A, Part 7 to 16, Lower Tank Bund Road, Hyderabad, to check and verify the activities of the petitioner-club and to submit a report.

3. The learned counsel for the petitioner submits that earlier when there was intervention by the respondents with the lawful activities of the members of a Club, a writ petition in W.P.No.9186 of 2004, was filed and the same was disposed of by order, dated 18-05-2004, wherein and whereby a direction was given to the respondents therein in terms of a judgment of a Division Bench of this Court in ***TWIN CITIES CINEMA CULTURAL CENTRE vs. COMMISSIONER OF POLICE***.

4. I have perused the said judgment of the Division of this Court, wherein it was observed thus:

> **"The police authorities cannot obstruct the writ petitioner-club from conducting card room where the members and guests of the writ petitioner's cultural center are allowed to play the game of rummy with stakes/syndicate (thirteen card game). At the same time, we make it clear that the police is always at liberty to enter the premises and check as to whether the cultural center of the club is conducting card room where the members and**

guests of petitioner's cultural center are playing the game of rummy with stakes/syndicate (thirteen card game) for the purpose of verification. If they receive any intimation, the police may enter the club and verify the same and proceed further if the members and guests of writ petitioner's cultural center play other than the game of rummy with stakes/syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered."

5. It is the complaint of the learned counsel appearing for the petitioner that despite the said order of this Court, the respondents have been frequently visiting the club causing much inconvenience and embarrassment to the esteemed members of the club.

6. In other words, the grievance of the learned counsel for the petitioner is that in spite of the directions issued by this Court in the order, dated 18-05-2004, in W.P.No.9186 of 2004, the harassment/persecution by the respondents is still going on with the frequent visits of the respondents to the club belittling the dignity of the members of the club.

7. The learned counsel for the petitioner asserts that only lawful activities are being undertaken and no unlawful activities have ever been allowed in the club. Hence, he seeks appointment of an Advocate-Commissioner to keep a watch not only on the lawful activities of the club but also on the frequent visits of the respondents to the club.

8. Even though the contention of the learned counsel appearing for the petitioner is not very much convincing, but still having regard to the facts and circumstances and also to see that the order, dated 18-05-2004, in W.P.No.9186 of 2004, which was passed following the judgment of a Division Bench of this Court, is respected, I deem it appropriate to appoint an Advocate-Commissioner for the purpose, referred to above.

9. Accordingly, I hereby appoint Sri Nageswara Rao Palle, Advocate, (Code No.2103), resident of Flat No.103, Arvind Vihar

Apartment, Domalguda, Hyderabad, as Advocate-Commissioner.

10. The Advocate-Commissioner shall visit the petitioner-club any time and any number of times between 08-00 P.M., and 09-00 P.M., every day or as and when he feels it necessary or as and when his presence is required by the petitioner-club on the respondents.

11. The fee of the Advocate-Commissioner is fixed as Rs.5,000/- per month.

12. The appointment of the Advocate-Commissioner is only for a period of six months from the date of his assumption of charge.

13. It is clarified that the other conditions incorporated in the earlier order of this Court in W.P.No.9186 of 2004, dated 18-05-2004, shall remain unaltered.

14. Accordingly, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

D.S.R.VARMA, J

09TH MARCH, 2005

NOTE:

Issue C.C. by tomorrow

(BO)

ISN/KRK

ASSISTANT REGISTRAR

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SECTION OFFICER

Copy to:

1.The Commissioner of Police, Basheerbagh, Hyderabad.
2.The Deputy Commissioner of Police, Central Zone, Hyderabad.
3.The Asst. Commissioner of Police, Chikkadapalli, Hyderabad.
4.The Station House Officer, Gandhinagar P.S., Hyderabad.
5.The Deputy Commissioner of Police, Task Force, Hyderabad.

6.Two C.Cs to the Government Pleader for Home, High Court

Buildings, Hyderabad (OUT).

7.Two C.D. copies.

8. Sri Nageswara Rao Palle, Advocate (Code No.2103),

r/o. Flat No.103, Arvind Vihar Apartment, Domalguda, Hyderabad.

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.4678 OF 2005

NOTE:

Issue CC by tomorrow

09TH MARCH 2005